

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
	)	
Decision of the	)	<b>CC Docket No. 02-6</b>
Universal Service Administrative Company	)	
	)	<b>File No. _____</b>
By	)	
	)	
Northeast Ohio Network for Educational	)	
Technology, Service Provider to:	)	
Coventry Local School Districts	)	
FCC Form 471 #: 1021360	)	
Form 486 Identifier: 486 12-13	)	
Funding Request #s: 2775056, 2775153	)	

To: Office of the Secretary, FCC  
Attention: Chief, Wireline Competition Bureau

**REQUEST FOR REVIEW AND WAIVER**

Pursuant to 47 C.F.R. §54.719(b) and §54.719(c), the Northeast Ohio Network for Education Technology (“NEOnet” or “Service Provider”) respectfully requests review of the April 1, 2016 decision by the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC”) to change the start date of service and, in turn, reduce the

funding request for Coventry Local School District, BEN# 129574 (“Coventry” or “District”), for Funding Year 2015-2016 due to the late filing by the District of a Form 486.

NEOnet files this appeal in favor of Coventry, due to Coventry’s current financial budget crisis and the inability of Coventry to cover the costs of the appeal. The District does not deny the late filing of its Form 486. However, as will be shown herein, the District’s delay in filing was a ministerial error which was the result of significant strain placed on the Director of Technology in charge of E-rate due to the state of Ohio declaring the District to be in a Fiscal Emergency and a failure of the District to receive correspondence from SLD notifying the District that they had failed to file their Form 486 and were being provided a deadline extension. Each of these errors is of the type routinely forgiven by the Commission; and the applicant is entitled to the full amount of funding originally granted in the FCDL.

#### **RELEVANT BACKGROUND**

In December of 2015, during the 2015-2016 Funding Year, the Office of the Auditor of the state of Ohio declared that Coventry Local School District was in a Fiscal Emergency.<sup>1</sup> As a result of the Fiscal Emergency, the District faced emergency staff reductions and shift in staff responsibilities that placed an onslaught of new duties on the District’s Technology Director, Kelly Kendrick, who had been with the school and overseen E-rate matters for the District for eight years.<sup>2</sup>

Prior to the Fiscal Emergency, Ms. Kendrick’s typical responsibilities included managing the District’s wide area network and local area network, including hardware purchases and maintenance, overseeing the District’s technology plan, and determining the best use of their

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<sup>1</sup> See Declaration of Fiscal Emergency, Dave Yost, Auditor of State, December 4, 2015 attached hereto as Exhibit A.

<sup>2</sup> See Declaration of Kelly Kendrick, attached hereto as Exhibit B (“Kendrick Declaration”).

technical resources.<sup>3</sup> After declaration of the Fiscal Emergency, the District informed Ms. Kendrick that her daily responsibilities would be changing and that she would need to assist the District with meeting the demands of the state-imposed Fiscal Emergency performance deadlines.<sup>4</sup> The additional duties included numerous meetings with state auditors, both fiscal and performance audits, analyzing staffing and planning for potential cuts, and structuring a plan for reorganizing the District's building configuration (including renovations and the closing of a building), and focusing on the technology required.<sup>5</sup>

Since the District was facing a \$1.2 million dollar deficit at the end of the fiscal year, Ms. Kendrick had to focus on gathering data to make the best educational decisions regarding potential cuts to program and staffing.<sup>6</sup> As Director of Technology, Ms. Kendrick was required at many of the meetings and was included in the process of guiding the plan for the District to move forward.<sup>7</sup> She had to field questions from the state auditor's department, representatives from the Ohio Department of Education, and the Office of Budget and Management who were all part of the state Solvency Commission.<sup>8</sup> There was tremendous pressure on Ms. Kendrick to answer all of their questions as quickly as possible in order to present a Solvency Plan to the state within 120 days after the District was placed in a Fiscal Emergency.<sup>9</sup> As a result, every member of the District's cabinet, including Ms. Kendrick, was asked to put all of their effort into helping the Solvency Commission in any way needed.<sup>10</sup> Due to the approximately \$800,000 in

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<sup>3</sup> See Exhibit B, Kendrick Declaration.

<sup>4</sup> See Exhibit B, Kendrick Declaration.

<sup>5</sup> See Exhibit B, Kendrick Declaration.

<sup>6</sup> See Exhibit B, Kendrick Declaration.

<sup>7</sup> See Exhibit B, Kendrick Declaration.

<sup>8</sup> See Exhibit B, Kendrick Declaration.

<sup>9</sup> See Exhibit B, Kendrick Declaration.

<sup>10</sup> See Exhibit B, Kendrick Declaration.

cuts to staff and programs, everyone was required to pick up additional responsibilities to manage the gap in resources.<sup>11</sup>

In addition, in January of 2016, Ms. Kendrick was told that due to the staffing and budget cuts, she would need to assume the additional responsibility of becoming a part-time principal for one of the elementary schools at some point in the near future and was asked to spend more time at the elementary school in preparation for taking over the position.<sup>12</sup> All of these events occurred at the same time as the height of the E-rate season.<sup>13</sup> While Ms. Kendrick properly filed the Forms 470 and 471 for the 2015 Funding Year, she forgot to file the Form 486 when due.<sup>14</sup>

On February 4, 2016, one of the vendors on the Form 471 contacted Ms. Kendrick to ask her whether she had filed the Form 486, as the vendor had noticed that they were not appearing online.<sup>15</sup> Ms. Kendrick immediately checked the USAC website and realized that she had failed to file the form.<sup>16</sup> Immediately on that same day, she filed the Form 486.<sup>17</sup>

On February 18, 2016, USAC sent Ms. Kendrick a Form 486 Notification Letter showing a service start date change from July 1, 2015 to October 7, 2015 for Funding Request Numbers 2775056 and 2775153.<sup>18</sup> The adjusted funding commitment was reduced by \$9,766.10 from the original award.

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<sup>11</sup> See Exhibit B, Kendrick Declaration.

<sup>12</sup> See Exhibit B, Kendrick Declaration.

<sup>13</sup> See Exhibit B, Kendrick Declaration.

<sup>14</sup> See Exhibit B, Kendrick Declaration.

<sup>15</sup> See Exhibit B, Kendrick Declaration.

<sup>16</sup> See Exhibit B, Kendrick Declaration.

<sup>17</sup> See Exhibit B, Kendrick Declaration.

<sup>18</sup> See Form 486 Notification Letter to Kelly Kendrick, dated February 18, 2016, attached hereto as Exhibit C.

On February 20, 2016, Ms. Kendrick filed a Letter of Appeal with USAC, explaining the reasons for the late filing.<sup>19</sup> On April 1, 2016, USAC issued an Administrator's Decision on Appeal denying Coventry's Letter of Appeal.<sup>20</sup> In the denial, USAC stated that it had sent an "Urgent Reminder" letter to Coventry notifying them that they had failed to file their Form 486.<sup>21</sup> Ms. Kendrick, the contact for Coventry, has no record of ever receiving or seeing such a letter from USAC.<sup>22</sup>

## DISCUSSION

The Commission has consistently granted waivers of filing deadlines involving ministerial and/or clerical errors due to changes in school staff. The FCC recognizes that school employees hired to undertake E-rate matters often have additional responsibilities to fulfill beyond E-rate oversight.<sup>23</sup> Moreover, starting in 2006 the Commission recognized that the failure to file a Form 486 due to ministerial and/or clerical issues was having a significant effect on funding. As a result, the FCC required USAC to notify applicants that they had missed the Form 486 filing deadline and provide them with 15 days to file the Form.<sup>24</sup>

The Commission first waived filing deadlines, such as the Form 486 filing deadline, where the failure to file was the result of clerical or ministerial errors in 2006 in the *Bishop Perry*

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<sup>19</sup> See Letter of Appeal, filed February 20, 2016, attached hereto as Exhibit D.

<sup>20</sup> See Administrator's Decision on Appeal – Funding Year 2015-2016, dated April 1, 2016, attached hereto as Exhibit E.

<sup>21</sup> *Id.*

<sup>22</sup> See Exhibit B, Kendrick Declaration.

<sup>23</sup> *In the Matter of Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, et. al.*, 21 FCC Rcd 5316 (2006) ("*Bishop Perry Order*").

<sup>24</sup> *In the Matter of Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, TOK, AK, et al.*, 21 FCC Rcd 10182 (2006) ("*Alaska Gateway Order*").

*Order*.<sup>25</sup> In *Bishop Perry*, the Commission found that granting waivers for schools that had been denied funding due to clerical errors fulfilled the requirements of Section 254 to “enhance ... access to advanced telecommunications and information services for all public and non-profit elementary and secondary school classrooms, health care providers and libraries.”<sup>26</sup> The Commission noted that as a result of granting the waivers, deserving schools would receive funding that would have otherwise been denied due to a mistake.<sup>27</sup>

That same year in the *Alaska Gateway Order*,<sup>28</sup> the Commission followed precedent from the *Bishop Perry Order* and granted waivers for 128 appellants that had failed to timely submit their Forms 486. The Commission acknowledged in *Alaska Gateway* that: “the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts.”<sup>29</sup> This mirrors the issues faced by the Technology Director at Coventry who suddenly became responsible for a number of new duties as a result of the District’s budget crisis. Moreover, the Commission found that “[g]iven that the applicants missed a USAC procedural deadline and did not violate a Commission rule, we find that the complete rejection of each of these applications is not warranted [...] Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants.”<sup>30</sup>

Notably, *Alaska Gateway* also established a requirement that USAC develop a “targeted outreach program” to let applicants know that they had missed the Form 486 deadline and provide those applicants with 15 calendar days from the date of receipt of the notice to file or

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<sup>25</sup> *Bishop Perry Order*, 21 FCC Rcd 5316 (2006).

<sup>26</sup> *Id.* at 5320, ¶9 (citing 47 U.S.C. §254(h)).

<sup>27</sup> *Id.*

<sup>28</sup> *Alaska Gateway Order*, 21 FCC Rcd 10182 (2006).

<sup>29</sup> *Id.* at ¶7.

<sup>30</sup> *Id.* at ¶7.

amend their Form 486.<sup>31</sup> The outreach was intended to “help applicants file timely and correct forms” and avoid the type of funding denials Milford now faces.<sup>32</sup>

More recent orders have followed the precedent set by *Bishop Perry* and *Alaska Gateway*. In the *Bishop Stang High School Order*, the Commission granted the requests of 18 petitioners who had failed to timely submit their Forms 486.<sup>33</sup> As in *Alaska Gateway*, the Commission found that “rigid adherence to USAC’s procedural deadline is not in the public interest.”<sup>34</sup> Likewise, in *Cathedral Home for Children*, the Commission granted nine requests for review related to a denial of funds for failure to file a Form 486.<sup>35</sup> In the *State of Arkansas Order*, the Commission waived the Form 486 deadline for multiple school districts and libraries that claimed that “staff mistakes or confusion” resulted in applicants missing the filing deadline.<sup>36</sup> The *Alcona County Order* likewise granted the appeals of petitioners that had claimed that “staff mistakes or confusion” had led to failing to file the Form 486 in a timely manner.<sup>37</sup> In the *Peace Chicago Order*, the Commission waived the Form 486 deadline for

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<sup>31</sup> *Id.* at ¶8.

<sup>32</sup> *Id.* at ¶8.

<sup>33</sup> *Requests for Review or Waiver of Decisions of the Universal Service Administrator by Bishop Stang High School, Dartmouth, Massachusetts et al.*, Schools and Libraries Universal Service Support Mechanism, 28 FCC Rcd 12862 (2013).

<sup>34</sup> *Id.*

<sup>35</sup> *Requests for Review or Waiver of Decisions of the Universal Service Administrator by Cathedral Home for Children, Laramie, Wyoming et. al.*, Schools and Libraries Universal Service Support Mechanism, 28 FCC Rcd 05482 (2013).

<sup>36</sup> *In the Matter of Requests for Review and Waiver of Decisions of the Universal Service Administrator by State of Arkansas Department of Information Systems Little Rock, Arkansas, et al.*, 23 FCC Rcd 9373 at ¶8 (2008) (“*State of Arkansas Order*”).

<sup>37</sup> *Requests for Waiver of Decisions of the Universal Service Administrator by Alcona County Library Harrisville, Michigan, et al.*, 23 FCC Rcd 15500 at ¶5 (2008) (“*Alcona County Order*”).

multiple applicants that had missed the Form 486 deadline, including applicants that stated that staff changes had resulted in the late filing of their forms.<sup>38</sup>

The circumstances justifying waiver of the Form 486 deadline cited to in the *Bishop Perry*, *Alaska Gateway*, *Bishop Stang*, *Cathedral Home for Children*, *State of Arkansas*, *Alcona* and *Peace Chicago Order* are no different than the circumstances in the present case. Due to a school budget crisis and facility issues outside of the control of the District, the Technology Director for the District found herself overwhelmed by new duties suddenly placed upon her shoulders. Such changes led to Ms. Kendrick's confusion as to whether she had completed filing of the Form 486. Moreover, Ms. Kendrick never received the reminder letter from USAC notifying her that the District had an additional twenty days to file their Form 486 – a notification that is required by the *Alaska Gateway Order*. She ended up filing the Form 486 immediately after a vendor noticed that the form had not been filed and only two days after the extension provided in the notification, which she never received.

The consequences of losing funding for the 2015 funding year on the District in the middle of a Fiscal Emergency would be devastating for the school. Absent a waiver of the procedural deadlines and associated invoicing deadlines, the District will be liable for \$9,766.10. A waiver in this case would have a minimal impact on the universal service fund, as the funds were already approved in the FCDL and held in reserve, however the impact on the District would be significant. Accordingly, as the Commission has done in the past, a waiver to permit full funding is appropriate.<sup>39</sup>

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<sup>38</sup> *Requests for Waiver of Decisions of the Universal Service Administrator by Children of Peace School Chicago, Illinois, et al.*, 25 FCC Rcd 5492 at n. 17 (2010) (“*Peace Chicago Order*”).

<sup>39</sup> *In the Matter of Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science, Tucson, Arizona, et. al.* 25 FCC Rcd 9256, 9260 at ¶9 (2010).

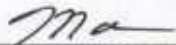


## **CONCLUSION**

The ministerial error caused by the fiscal emergency and related staffing changes, budget cuts, building changes, and consequential confusion faced by the Coventry Local School District were the cause of the late-filed Form 486. Moreover, Coventry never received the letter from USAC notifying them that they had failed to file their Form 486. Accordingly, consistent with Commission precedent, NEOnet requests that the Commission acknowledge the circumstances warranting waiver of the Form 486 filing deadline and grant the waiver.

Respectfully submitted,

**NORTHEAST OHIO NETWORK FOR  
EDUCATIONAL TECHNOLOGY**

By:   
Mark J. Palchick  
Rebecca E. Jacobs

**Womble Carlyle Sandridge & Rice, LLP**  
1200 Nineteenth Street, NW  
Suite 500  
Washington, DC, 20036  
(202) 857-4400  
(202) 467-6910 (fax)

**CC: Universal Service Administrator**

**May 31, 2016**

## **Exhibit A**



# Dave Yost · Auditor of State

## DECLARATION OF FISCAL EMERGENCY

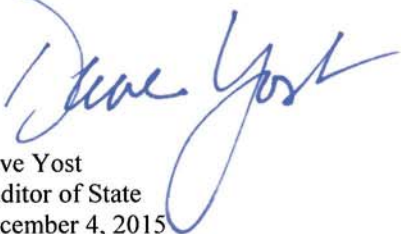
At the request of the Coventry Local School District Board of Education dated March 10, 1997, the Office of the Auditor of State performed an examination of the financial forecast of the general fund of the District as required under Section 3313.483, Revised Code. In conjunction with our review of the financial forecast, the Auditor determined and certified an operating deficit for the year ending June 30, 1997 to the State Department of Education on May 13, 1997 in the amount of \$895,000.

Section 3316.03, Revised Code requires the Auditor of State to declare a school district to be in a state of fiscal watch if the Auditor of State determines that the district has met all the conditions prescribed in Section 3316.03(A). Effective May 15, 1997, the Auditor of State declared the Coventry Local School District in fiscal watch based upon the following combined criteria:

- The District's certified operating deficit was \$895,000 and exceeded 8 percent of the previous year's general fund revenues.
- The District's general fund unencumbered cash balance, less property tax advances, for the preceding fiscal year was (\$306,000). This amount was less than 8 percent of the preceding fiscal year expenditures.
- The District had not passed a levy that would raise enough revenue in the succeeding year to eliminate condition one and two.

Under Section 3316.03(B)(2), Revised Code, the Auditor of State shall issue an order declaring a school district to be in a state of fiscal emergency if the school district board fails to submit an updated plan when one is required by division (C) of section 3316.04 of the Revised Code. Section 3316.04(C) of the Revised Code requires a school district to submit an updated financial plan to the State Superintendent of Public Instruction, for the Superintendent's approval, every year that the district is in a state of fiscal watch. The State Superintendent of Public Instruction shall approve or disapprove each updated plan no later than the anniversary of the date on which the first such plan was approved. The Coventry Local School District Board of Education has failed to submit an acceptable recovery plan to the Superintendent of Public Instruction and passed a resolution, dated October 26, 2015, stating their inability to adopt a recovery plan that eliminates the projected current year deficit.

Accordingly, the Auditor of State hereby declares the Coventry Local School District to be in a state of fiscal emergency as defined by Ohio Revised Code Section 3316.03(B)(2). A copy of this declaration is being submitted to Robert Wohlgamuth, President of the Coventry Local School District Board of Education; Timothy Keen, Director of the Ohio Office of Budget and Management; Kristen M. Scalise, Summit County Fiscal Officer, and Dr. Richard Ross, State Superintendent of Public Instruction.

  
Dave Yost  
Auditor of State  
December 4, 2015

## **Exhibit B**

## **DECLARATION OF KELLY KENDRICK**

I, Kelly Kendrick, declare the following:

1. I am the Technology Director for Coventry Local School District ("Coventry" or "District"). I have overseen E-rate responsibilities for the District for the past eight years. My typical responsibilities include managing the District's wide area network and local area network, including hardware purchases and maintenance, overseeing the District's technology plan, and determining the best use of our technical resources.
2. In December of 2015, the state of Ohio declared a Fiscal Emergency for the District.
3. After declaration of the Fiscal Emergency, I was informed that my responsibilities would be changing and that I would have to help the District meet the demands of the state-imposed Fiscal Emergency performance deadlines.
4. The additional duties included numerous meetings with state auditors, both fiscal and performance audits, analyzing staffing and planning for potential cuts, structuring a plan for reorganizing the District's building configuration (including renovations and closing one building) focusing on the technology required.
5. With the District facing a \$1.2 million dollar deficit at the end of the fiscal year, my job focus shifted to gathering data to make the best educational decisions regarding potential cuts to program and staffing. As Director of Technology, I was required to attend many of the meetings and was actively involved in the process of guiding the plan for moving forward. I had to field questions from the state auditor's department, representatives from the Ohio Department of Education, and the Office of Budget and Management who were all part of the state Solvency Commission. There was tremendous pressure to answer their questions as quickly as possible, as they were required to present a Solvency Plan within 120 days after the District was placed in a Fiscal Emergency. Consequently, every member of our District's cabinet, including myself, was asked to put all effort into helping the Solvency Commission in any way needed. With approximately \$800,000 in cuts to staff and programs, everyone was required to pick up additional responsibilities to handle the gap.
6. In addition, in January of 2016, I was informed that due to the staffing and budget cuts, I would need to assume the additional responsibility of becoming a part-time principal for one of the District's elementary schools at some point in the near future and was asked to spend more time there in preparation.
7. All the above additional responsibilities were added and on-going during the peak of the E-rate preparation and prosecution period.
8. Needless to say, these additional responsibilities put tremendous stress on me during the same period that my E-rate funding responsibilities were at a peak.

9. During that time I properly filed the Forms 470 and 471 for the District, but I forgot to file the Form 486 when it was due.
10. On February 4, 2016, one of the vendors on the Form 471 contacted me to ask whether the District had filed the Form 486 for the 2016 Funding Year, as they had noticed that the form did not appear online.
11. I immediately checked and realized that the form had not been filed. I filed the forms the same day on February 4, 2016.
12. I am the E-rate contact for the District and I have no record of ever receiving any correspondence from USAC regarding the late-filed Form 486, nor do I have any record or recollection of ever receiving an "Urgent Reminder" letter from USAC. The first correspondence I received from USAC was on February 18, 2016 when USAC sent me a Form 486 Notification Letter showing a service start date change from July 1, 2015 to October 7, 2015 for Funding Request Numbers 2775056 and 2775153.

To the best of my knowledge, I state under penalty of perjury that the Appeal and the foregoing are true and correct.

May 31, 2016

  
\_\_\_\_\_  
Kelly Kendrick  
Technology Director, Coventry Local School District

## **Exhibit C**



Universal Service Administrative Company  
Schools and Libraries Division  
Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685



**TIME SENSITIVE MATERIAL**

00143  
Kelly Kendrick  
COVENTRY LOCAL SCHOOL DISTRICT  
2910 South Main Street  
Akron, OH 44319





Universal Service Administrative Company

Schools and Libraries Division

**FORM 486 NOTIFICATION LETTER**  
**(Funding Year 2015: 07/01/2015 - 06/30/2016)**

February 18, 2016

Kelly Kendrick  
COVENTRY LOCAL SCHOOL DISTRICT  
2910 South Main Street  
Akron, OH 44319

**Re: Form 486 Application Number: 1133844**  
**Applicant's FCC Form 486 Identifier: 486.NEOnet**

This letter is to notify you that the Universal Service Administrative Company (USAC) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose Service Provider Identification Number (SPIN) you identified on each Funding Request Number (FRN).

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

An explanation of the data provided in our letter reports is in the Guide to USAC Letter Reports posted in the Reference Area of our website. Complete program information, including invoice deadlines, is also posted on our website. You may also contact our Client Service Bureau toll-free by phone at 1-888-203-8100, by email using the Submit a Question link on our website, or toll-free by fax at 1-888-276-8736.

**NEXT STEPS**

Discuss with your service provider whether you would like discounts on your bills or to pay your bills in full and be reimbursed for discounts.

Applicants invoice USAC before the invoice deadline using the applicant invoice [FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form] for reimbursements of discounts after paying the service provider bills in full. Service providers invoice USAC using the service provider invoice [FCC Form 474, Service Provider Invoice (SPI) Form] after billing applicants for their non-discount portion. Whichever method you choose, you must pay your non-discount portion, as stated in program rules. Program rules also require that participants maintain all documentation for at least five years after delivery of discount service.

**TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION**

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - appellant name,
  - applicant or service provider name, if different than appellant,
  - applicant BEN and service provider SPIN,
  - FCC Form 486 Number 1133844 and ERN(s) as assigned by USAC,
  - "Form 486 Notification Letter for Funding Year 2015", AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal using the Submit a Question feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see Appeals in the Schools and Libraries section of the USAC website.

Schools and Libraries Division  
Universal Service Administrative Company

FORM 486 NOTIFICATION LETTER REPORT  
(Funding Year 2015)



Funding Request Number: 2775056  
Form 471 Application Number: 1021360  
Service Provider Name: Northeast Ohio Network for Educational Technology (NEOnet)  
Service Provider Identification Number: 143022719  
Billing Account Number: COVENTRY  
Service Start Date: 10/07/2015\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$27,972.00

Funding Request Number: 2775153  
Form 471 Application Number: 1021360  
Service Provider Name: Northeast Ohio Network for Educational Technology (NEOnet)  
Service Provider Identification Number: 143022719  
Billing Account Number: COVENTRY  
Service Start Date: 10/07/2015\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$1,326.32

Funding Request Number: 2775770  
Form 471 Application Number: 1022728  
Service Provider Name: Northeast Ohio Network for Educational Technology (NEOnet)  
Service Provider Identification Number: 143022719  
Billing Account Number: Coventry  
Service Start Date: 07/01/2015

## **Exhibit D**

February 20, 2016

Letter of Appeal

Schools and Libraries Division- Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

Contact Information:

Organization Name: Coventry Local Schools (BEN 129574)  
Contact Person: Kelly Kendrick  
Contact Mailing Address: 3257 Cormany Road; Akron, Ohio 44319  
Contact Phone: (330) 644-8484 x626015  
Fax: (330) 644-1207  
Email: [kkendrick@coventryschools.org](mailto:kkendrick@coventryschools.org)  
Re: Appeal Decision on TWO Form 486 applications

Identifying USAC action appealing:

1. BEN: 129574
2. Appealing the following TWO Form 486 applications:
  - A. Form 486: #1133844; Identifier 486.NEOnet for Form 471 Application # 1021360 FRN 2775056
  - B. Form 486: #1133844; Identifier 486NEOnet for Form 471 Application # 1021360 FRN 2775153
3. Appealing the SEVICE START DATES FOR THE 2 APPLICATIONS LISTED ABOVE: Form 486: #1133844 FRN # 2775153 AND FRN# 2775056 SERVICE START DATE CHANGE FROM 10/07/2015 TO THE ORGINIAL SERVICE START DATE OF 7/1/2015
4. Reason for Appeal:

During the 2015-2016 school year, an emergency reduction of staff and shift of staff responsibilities occurred in the school district due to severe budget issues. The district was placed into Fiscal Emergency by the Ohio Department of Education because the district was unable to sustain operation. The district also faced facility issues such as water damage and heating issues in various locations throughout the district, which caused the relocation of some staff members. Due to the reduction of staff and the facility issues, office personnel duties were shifted. Therefore, correspondences between USAC and Coventry Local School district were not received. We understand



that it falls on the district to ensure forms are submitted during the specified times, but because of the facilities issues and the critical financial issue the district faced resulting in the shifting of job responsibilities, the deadline was missed. The district is counting on this funding, as it supports a huge portion of our telecom and Internet access—services the district is struggling to keep to service students with the severe financial crisis. Without the funding, general fund dollars must pay for these services. The loss of revenue for the district would be close to \$13,000. If that money has to be paid from the general fund, this could result in additional cuts.

All forms for FY16 were submitted on time except the Form 486, and USAC reviewed the FY16 471 applications in September 2015 and certified the application for funding.

It is therefore our request that the FCC will waive the deadline and restore the district's funding beginning on July 1, 2015.

A handwritten signature in black ink, reading "Kelly Hendrick". The signature is written in a cursive style with a long, sweeping underline.

## **Exhibit E**



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2015-2016**

April 01, 2016

Kelly Kendrick  
Coventry Local School District  
2910 South Main Street  
Akron, OH 44319

Re: Applicant Name: COVENTRY LOCAL SCHOOL DISTRICT  
Billed Entity Number: 129574  
Form 471 Application Number: 1021360  
Form 486 Application Number: 1133844  
Funding Request Number(s): 2775056, 2775153  
Your Correspondence Dated: February 20, 2016

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2015 FCC Form 486 Notification Letter for the FCC Form 471 Application Number referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2775056, 2775153  
Decision on Appeal: **Denied**  
Explanation:

- USAC has determined that your FCC Form 486 was not filed within 120 days calculated from September 4, 2015 of the Funding Commitment Decision Letter (FCDL). On January 13, 2016, USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on February 4, 2016, which is after the new deadline date. Consequently, the SSD has been revised to October 7, 2015, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment has been reduced accordingly. It is the responsibility of the applicant to ensure that all forms are submitted to USAC in a correct and timely manner. As a result, your appeal is denied.



- FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. *See* 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the SSD featured on the FCC Form 486 or no later than 120 days after the date of the FCDL, whichever is later. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 20 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. *See* Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, 21 FCC Rcd 10186-10187, DA 06-1871, para. 8 (rel. Sep. 14, 2006).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:  
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

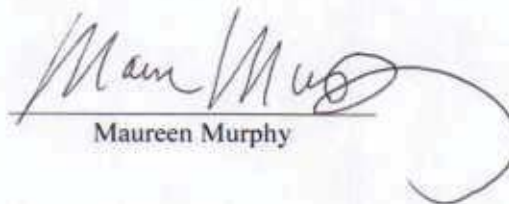
We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

### **CERTIFICATE OF SERVICE**

I, Maureen Murphy, hereby declare that a copy of the foregoing request for review and waiver was sent via U.S. mail, this day, May 31, 2016, to the following, as required by section 54.721(c) of the Commission's rules:

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
P.O. Box 685  
Parsipanny, NJ 07054



Maureen Murphy